IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6223 OF 2006

Shyam Sunder Agarwal Petitioner
versus
Union of India & another Respondents

Mr.O.S.Walia with Rahul G. Walia for petitioner.
Mr.Arjun H. Patil for respondent no.2.

CORAM : F.I.REBELLO AND
R.V.MORE, JJ.

DATE : 08th January 2007

PC :

1. Heard learned counsel for the parties. From the reply on behalf of respondents filed by Shankarkumar Albela it is clear that the petitioner has been permanently absorbed in IRCTC and has tendered resignation from the services of respondent no.2 with immediate effected by letter dated 11th September 2006. The letter of resignation has been accepted by respondent no.2 on 18th October 2006 and the same has been communicated to the petitioner by communication dated 7th November 2006. An Original Application was filed by the petitioner in the matter of his

non promotion. That issue now, after the resignation, no longer subsists.

2. The learned counsel points out that against dismissal of the Original Application he had filed a review application. That review has been dismissed on the ground that it was not filed within thirty days of the passing of the order. The learned counsel contends that similar Rule has been construed by Hon'ble Supreme Court, which has taken a view that period of limitation shall start within thirty days from the date of service of the order on the party. At any rate, since the petition itself has become infructuous, we do not find it proper to decide such contention in the petition and leave that question to be decided in an appropriate case. With the above observations the petition is disposed off.

(F.I.REBELLO, J.)

(R.V.MORE, J.)